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7 Attorneys for Plaintiffs  
ASUSTEK COMPUTER INC. AND  
8 ASUS COMPUTER INTERNATIONAL

9  
10 UNITED STATES DISTRICT COURT  
11 NORTHERN DISTRICT OF CALIFORNIA  
12 SAN FRANCISCO DIVISION  
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14 ASUSTEK COMPUTER INC. and ASUS  
COMPUTER INTERNATIONAL,

15 Plaintiff,

16 v.

17 RICOH COMPANY, LTD.,

18 Defendant.  
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CASE NO. C 07-01942-MHP

**DECLARATION OF SHANÉE Y.  
WILLIAMS IN SUPPORT OF ASUSTEK  
COMPUTER INC. AND ASUS  
COMPUTER INTERNATIONAL'S  
OPPOSITION TO RICOH COMPANY,  
LTD.'S MOTION FOR STAY PENDING  
APPEAL**

Date: October 29, 2007  
Time: 2:00 p.m.  
Courtroom 15  
The Honorable Marilyn H. Patel

1 I, Shanée Y. Williams, hereby declare as follows:

2 1. I am an attorney admitted to practice before this Court and am an associate with  
3 the law firm of Paul, Hastings, Janofsky & Walker LLP, attorneys for plaintiffs ASUSTeK  
4 Computer Inc. and ASUS Computer International (collectively, "Asustek") in the above-  
5 captioned matter. If called upon to testify, I could and would do so competently as to the matters  
6 set forth herein.

7 2. Attached hereto as Exhibit A is a true and correct copy of the "Order Denying  
8 Defendant's Motion To Dismiss or, in the Alternative, Stay or Transfer," filed in the United  
9 States District Court for the Northern District of California on September 22, 2003 in *Synopsys,*  
10 *Inc. v. Ricoh Company, Ltd.*, Case No. C-03-2289 MJJ.

11 3. In the Joint CMC Statement filed in this action, Ricoh took the position that all  
12 discovery and other proceedings in this case should be stayed until its motion to dismiss was  
13 decided. At the Case Management Conference before this Court on September 10, 2007, Ricoh  
14 reluctantly accepted service of Asustek's complaint.

15 4. Attached hereto as Exhibit B is a true and correct copy of the "Opinion and  
16 Order," filed in the United States District Court for the Western District of Wisconsin on April 3,  
17 2007 in *Ricoh Company, Ltd. v. ASUSTeK Computer, Inc., et al.*, Case No. 06-C-0462-C ("the  
18 Wisconsin case".)

19 5. The complaint in the Wisconsin action was filed on August 24, 2006. At the time  
20 the Opinion and Order dismissing Asustek from the Wisconsin action issued, little discovery from  
21 Ricoh had been taken. For example, as of April 3, 2007, Ricoh had only produced 1,224  
22 documents, most of which were marginally relevant and gave little to no information or  
23 explanation of Ricoh's infringement allegations. Furthermore, Asustek had yet to take a single  
24 deposition of Ricoh, and Ricoh had taken only a 30(b)(6) technical deposition of Asustek.

25 6. Though Markman briefing had begun at the time Asustek was dismissed from the  
26 Wisconsin action, this was only because the Wisconsin court had set an unusually expedited  
27 schedule for Markman proceedings such that they commenced very early in the case. Attached  
28

1 hereto as Exhibit C is a true and correct copy of the "Preliminary Pretrial Conference Order,"  
2 filed on November 30, 2006 in the Wisconsin case.

3 7. At the Case Management Conference on September 10, 2007, this Court directed  
4 the parties to participate in mediation or a settlement conference. The parties are presently  
5 scheduled to mediate the instant action before Magistrate Judge (ret.) Infante on November 19,  
6 2007. However, Ricoh has never provided any specific infringement contentions to Asustek so  
7 that the Asustek defendants could understand the true scope or nature of Ricoh's infringement  
8 allegations. The Wisconsin court does not have specialized patent local rules and did not require  
9 such contentions to be provided when that case was pending in Wisconsin. Asustek's initial  
10 attempts to obtain this information in the Wisconsin action were resisted by Ricoh.

11 I declare under the penalty of perjury under the laws of the United States that the  
12 foregoing is true and correct.

13 Executed this 8th day of October, 2007.

14 /s/ Shanée Y. Williams  
15 Shanée Y. Williams

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